

UNITED STATES DISTRICT COURT

for the

Western District of Virginia

CLERK'S OFFICE U.S. DIST. COURT
AT DANVILLE, VA
FILED

MAR 25 2008

JOHN F. CONCORAN, CLERK
BY:  DEPUTY CLERK

United States of America)

v.)

Gary Lamont Foye)

Case No: 4:01CR70056-003

USM No: 09316-084

Date of Previous Judgment: February 21, 2002)

(Use Date of Last Amended Judgment if Applicable)

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of the defendant ☐ the Director of the Bureau of Prisons ☒ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 140 months is reduced to 120 months.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level:	29	Amended Offense Level:	27
Criminal History Category:	V	Criminal History Category:	V
Previous Guideline Range:	140 to 175 months	Amended Guideline Range:	120 to 150 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

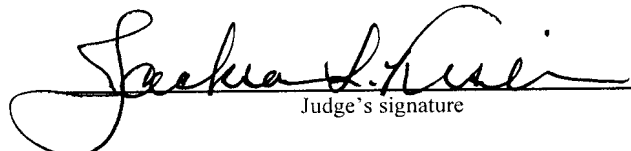
- ☒ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ Other (explain):

III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated Feb. 21, 2002 shall remain in effect.

IT IS SO ORDERED.

Order Date: 3-25-08


Judge's signature

Effective Date: ~~March 3, 2008~~ 4-7-08
(if different from order date)

Senior United States District Judge Jackson L. Kiser
Printed name and title